IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1602 OF 1993

Indira Sahakari Dudh Vyavasaik
Sanstha Maryadit, .. Petitioner.

Vs

1. The State of Maharashtra
and ors. .. Respondents

Mr G.N.Salunkhe, for the petitioner.
Mr Shanbag h/f Mr S.L.Kapse, for R.No.5.
Mr S.K.Chanchalikar, AGP for the State.

CORAM : D.B.BHOSALE,J.

DATE : 21.9.2005.

PC:

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioners have impugned the order dated 6.1.1993 passed by respondent no.1 allowing respondent no.5 to collect milk. While

admitting this petition on 30.4.1993, the interim order in terms of prayer clause (c) was granted, by which the order passed by the Minister dated 6.1.1993 came to be stayed. It is common ground that by virtue of the interim order passed by this Court, respondent no.5 society is not operating. In this view of the matter, in my opinion, appropriate course would be to allow this writ petition in terms of prayer clause (b). Order accordingly.

Prayers (b) reads thus :

> (b) Quash and set aside the impugned order dated 6.1.1993 passed by the Hon'ble Minister of State for Dairy Development Deptt, Mah. Govt., - respondent no.1"

3. Liberty to respondent no.5 to apply to the Assistant Register, Co-operative Societies, seeking fresh permission, if so advised. It is needless to mention that if such application is filed, the Assistant Register shall decide it on merits in accordance with law after giving an opportunity of being heard to all concerned. Rule is, accordingly, disposed of.

(D.B.BHOSALE, J.)